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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,954	01/15/2002	Mark O'Neill	065363-0004	5244

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EXAMINER
SZYMANSKI, THOMAS M

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/047,954	O'NEILL, MARK
	Examiner	Art Unit	
	Thomas Szymanski	2134	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *16* is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-16 have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
>
> use or on sale in this country, more than one year prior to the date of application for patent in the United
>
> States.

3.   Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin

et al U.S. Patent No. 5,958,050.

4.   Regarding Claim 1: Authenticating a digital signature (Fig 5, Fig 6, Col 3 lines

45-47, Col 4 lines 58-59, Col 8 lines 51-67)

Authentication the document structure (Fig 4, Col 6 lines 52-60, Col 5 lines 1-5, Col 3

lines 46-52)

Indicating whether the document is invalid if either are not authentic (Col 7 lines 18-35,

Col 8 lines 62-67)

5.   Regarding Claim 2: extracting the signature (Col 8 lines 51-67, Fig 3) Griffin

specifies that the certificates are received with signatures as such in order to perform a

verification it is necessary by some means to extract the signature for the process to be

viable.

Determining if the signature references a valid certificate (Col 8 lines 51-67, Col 10 lines

44-47)

6.   Regarding Claim 3: determining if the certificate is valid (Col 8 lines 51-67)

Determination of a valid certificate is handled by way of verifying the associated

signature.

Returning a valid response if the certificate is valid (Col 8 lines 62-66)

7.   Regarding Claim 4: returning an invalid response if the certificate is not valid

(Col 8 lines 62-66)

Terminating the examination (Col 7 lines 16-20, Col 7 lines 55-67) As specified by

Griffin et al upon determination of the process being invalid the specified action is not

implemented and as such the process is terminated.

8.   Regarding Claim 5: marking shared memory that examination has failed (Col 8

lines 62-66) Griffin et al states that it is indicated that the process has failed. This

indication is not limited so it may encompass indicating by means of marking shared

memory to set a flag.

9.   Regarding Claim 6: determining if the document is structurally and syntactically

valid (Col 7 lines 19-25, Col 6 lines 52-58, Col 5 lines 3-5, Col 3 lines 45-52) Griffin et al

provides for this feature by way of the code analyzer and the basic function of verifying

a signature. The code analyzer must analyze those code for many separate things

within the implementation, but without proper syntax the analyzer cannot do so.

Therefore, by virtue of its operation alone the code analyzer determines if the syntax

and document structure are proper. Further, the process of signature verification

involves checking the integrity of the given document via the process itself.

10.   Regarding Claims 7 and 8: extracting information relating to the structure/syntax

(Col 6 lines 52-58) The system described by Griffin et al provides for this feature by the

basic operation of analyzing the given code.

Comparing the information against a set of rules (Col 5 lines 3-5). In order to analyze

anything there must be a set of rules or steps that dictate what is proper and what is not

as such the trust manager of the Griffin et al system must provide for such means.

Upon verifying a match with the stored rules marking the document as valid (Col 8 lines

62-67)

11.   Regarding Claims 9 and 10: If the document is not structurally/syntactically valid

marking shared memory as such (Col 8 lines 62-66) Griffin et al states that it is

indicated that the process has failed. This indication is not limited so it may encompass

indicating by means of marking shared memory to set a flag. The system as specified

would only continue under terms of everything being valid, therefore if the given

document is not valid in a structural/syntax means then it would be marked as such as

the code analyzer would not be able to proceed as necessary.

12.   Regarding Claims 11, 12 and 13: Marking shared memory as invalid terminates

examination (Col 8 lines 62-66) As stated by Griffin et al if any portion of the document

is determined to be invalid then the desired operation is not performed and hence it

would then be terminated.

13.   Regarding Claim 14: Any change within the shared memory value denotes a

termination of examination (Col 8 lines 62-66) As specified the manner by which

indication is denoted can be any flag representation. There is no limitation placed on

the manner in which the current state is made known to the system so it may be

represented in such a manner as a value change within a memory location.

14.   Regarding Claim 15: examining the structure and signature occur as multiple

threads within the same process (Fig 3) As it may be seen from the provided figure

Griffin et al represents the two separate processes of structure and signature validation

by two separate parallel modules, additionally any modern day processor that is

implemented within the system would be capable of executing the method in a manner

of a threaded process. As specified by Griffin et al it can be seen that given an

implementation with separate modules or within a single CPU the execution of such a

system in parallel is anticipated by Griffin et al.

Response to Arguments

15.   Applicant's arguments filed 10/27/2005 have been fully considered but they are

not persuasive. The applicant has argued that the prior art fails to show the concurrent

process as described by the applicant; however, the claim language as provided in

claims 1-15 does not state at any point that the process occurs in a parallel or

concurrent manner but merely states the termination of one process is dependent upon

the validation of the other process. The examiner extends the contention that as

provided within the prior art the termination of the secondary process automatically

occurs when operation of the given primary process is deemed invalid or vice versa,

ultimately inhibiting the complete approval.

Allowable Subject Matter

16.   Claim 16 is allowed.

Conclusion

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas Szymanski whose telephone number is 571-

272-8574. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TMS

JL

David Y. Jung
Primary Examiner